

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PRIMAX RECOVERIES, INC.)
)
v.) NO. 3:02-0240
) JUDGE CAMPBELL
JOAN GUNTER, et al.)

ORDER


Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 115) and Objections filed by the Plaintiff (Docket No. 116).

The Court has reviewed the Report and Recommendation, the Objections, and the file. Plaintiff argues that its Objections to the August 27, 2004 Report and Recommendation (Docket No. 105) were timely filed and should be considered at this time. The Court finds that, even if the Objections were timely filed, which they were not, its decision with regard to the original attorneys' fee issue is the same. In other words, even considering the Plaintiff's late-filed Objections, the Court finds that the Magistrate Judge's prior Report and Recommendation (Docket No. 80) is approved, and Defendants are awarded attorneys' fees and expenses in the amount of \$62,255.46 for their original fee application.

With regard to Defendants' supplemental application for fees incurred during the appeal of the first attorneys' fee issue, the Court has considered the factors set forth in Secretary of Dep't of Labor v. King, 775 F.2d 666 (6th Cir. 1985), and finds that the Plaintiff's Objections are overruled and the Magistrate Judge's Report and Recommendation (Docket No. 115) is adopted and approved.

Accordingly, Defendants' Supplemental Application for Attorneys' Fees (Docket No. 99) is GRANTED in part and DENIED in part, and Defendants are awarded an additional \$9,876.25 in fees.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE